


From: [REDACTED] [REDACTED]   
Subject: Subpoena + discovery  
Date: November 10, 2022 at 1:38 PM  
To: enge @enge andmart n.com

Subpoena received. Discovery items requested (that I have) are attached.

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[REDACTED]  
MD/MPH Candidate Class of 2025

School of Medicine, Case Western Reserve University

[REDACTED]

[REDACTED]



Invitation from  
the US...ice.pdf



CWRU  
Investi...ort.pdf

11/10/22, 1:34 PM

Case Western Reserve University Mail - Outreach



## Outreach

46 messages

Fri, Oct 1, 2021 at 1:02 PM

To: outreach.cwu@usdoj.gov  
Cc: "Lisa N. Cloutier" <lcloutier@tfnlgroup.com>

To Whom It May Concern,

I am interested in speaking with representatives from the DOJ regarding CWRU's compliance review. I would also like to have my lawyer present (cc'd).

--

[REDACTED]  
MD/MPH Candidate Class of 2025

School of Medicine, Case Western Reserve University

[REDACTED]

CWRU Outreach (CRT) <Outreach.CWRU@usdoj.gov>

Fri, Oct 1, 2021 at 1:03 PM

Thank you for contacting the Civil Rights Division of the U.S. Department of Justice. Your email has been received and will be reviewed by DOJ staff. We appreciate you taking the time to reach out to us. If we need additional information, we will contact you. If you have additional information to share at a later date, you are welcome to email us again or leave us a voicemail at our toll-free phone number: 1-866-432-0339.

Thank you so much.

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**CWRU, Outreach (CRT)** <Outreach.CWRU@usdoj.gov>

Fri, Oct 15, 2021 at 12:49 PM

[REDACTED] CWRU, Outreach (CRT)" <Outreach.CWRU@usdoj.gov>

Cc: "Lisa N. Cloutier" <lcloutier@tfnlgroup.com>

[REDACTED]

Thank you for contacting us. My name is Alyson Schwartz and I am a Trial Attorney with the Educational Opportunities Section within the Department of Justice's Civil Rights Division.

<https://mail.google.com/mail/u/3/?ik=06935a2122&view=pt&search=all&permthid=thread-a%3Ar7023987520953084143&simpl=msg-a%3Ar52954893160922748...> 1/16



Joshua Engel, Partner  
Jim Hardin, Partner  
Mary Martin, Partner  
Anne Tamashasky, Of Counsel

November 10, 2022

Via Email Only

[REDACTED]

Re: *Noakes v. Case Western Reserve University, et al.*  
N.D. Ohio Case Number 1:21-cv-01776

Dear [REDACTED]:

Thank you for the rapid response to the subpoena. If you have counsel, please have your counsel contact me directly.

Unfortunately, it appears that the response is incomplete. Please review the entire list of requested documents; many are missing.

I am certain this is an oversight and that documents and electronic records were not deleted or destroyed to avoid having to produce them in response to a subpoena. The Federal Rules of Civil procedure require you to preserve and produce all responsive documents in your custody and control, subject to the limits described in Rule 45. The intentional destruction of documents or deletion of electronic records is a very serious matter.

I direct to your attention that the definitions of "communication" and "documents" include your email accounts, messaging apps, and social media accounts.

I also direct to your attention the specific categories of documents sought. I did not see in your response any of the following categories of documents:

- Documents and communications concerning the investigation and adjudication of your allegations that [REDACTED] committed sexual misconduct or retaliation.
- Documents and communications concerning the investigation and adjudication [REDACTED] allegations that you committed sexual misconduct or retaliation (with the exception of one recent email)

November 10, 2022

Page 2 of 2

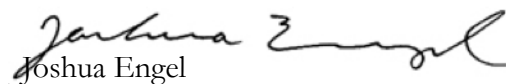
- Communications between you and any other CWRU student concerning the investigation and adjudication of your allegations that [REDACTED], committed sexual misconduct or retaliation.
- Documents and communications concerning Supportive Measures provided to you by Case Western related to your allegations that [REDACTED], committed sexual misconduct or retaliation.
- Documents and communications concerning any professionalism matters and/or early concerns involving [REDACTED].
- Documents and communications concerning any professionalism matters and early concerns involving you.
- Communications between you and the Department of Education or any other federal agency concerning the manner in which CWRU regarding the manner in which CWRU investigates and adjudicates allegations of sexual misconduct (with the exception of one email).
- Your social media posts concerning the manner in which CWRU investigates and adjudicates allegations of sexual misconduct.
- Communications between any CWRU employee and you, your Counsel, or your Advisor concerning this Litigation or allegations that you or [REDACTED] enhanced committed sexual misconduct or retaliation.

Please advise when we will receive the remainder of the responsive documents. The subpoena requires a response by November 22, 2022.

Please also advise if you do not intend to produce any additional responsive documents so that we may immediately bring this matter to the attention of the Court.

If you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,

  
Joshua Engel

cc: Anne Tamashasky, Esq.

From: [REDACTED]  
Subject: Re: Subpoena + d scovery  
Date: November 10, 2022 at 5:09 PM  
To: Joshua Adam Enge <enge@engelandmartin.com>  
Cc: Anne Tamashasky <tamashasky@engelandmartin.com>

Hello,

I read the subpoena thoroughly and I fully understand what you are requesting. I have provided all of the documents that I have on hand. Yes, I knowingly and purposely deleted most documentation over the summer, as I am working on moving on from this situation. I have absolutely no motive to destroy anything as a response to your request, and I do not appreciate this implication, as clearly I am just being asked to be a witness in this and this suit is largely independent of me. I was not aware until today that this documentation would need to be provided. It is unreasonable of you to ask me to contact various places (my phone company, Instagram, etc) to retrieve this information. Much of this information can be provided by the school or other sources, if you really need.

On Thu, Nov 10, 2022 at 4:54 PM Joshua Adam Engel <[engel@engelandmartin.com](mailto:engel@engelandmartin.com)> wrote:  
[REDACTED] Please see attached correspondence.

---

Joshua Adam Engel  
Engel & Martin, LLC  
4660 Duke Drive, Suite 101  
Mason, OH 45040  
513-445-9600  
[engel@engelandmartin.com](mailto:engel@engelandmartin.com)  
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On Nov 10, 2022, at 1:37 PM [REDACTED] wrote:

Subpoena received. Discovery items requested (that I have) are attached.

--

[REDACTED]  
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[REDACTED]  
[REDACTED]  
<Invitation from the US Department of Justice.pdf><CWRU Investigation draft investigation report.pdf><Case Western Reserve University Mail - Outreach.png>


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[REDACTED]

[REDACTED]

From: [REDACTED]   
Subject: Re: Subpoena + discovery  
Date: November 10, 2022 at 6:13 PM  
To: Joshua Adam Engel <engel@engelandmartin.com>

I guess I could have expected this from the council of a rapist, but you are unbelievable. These are absolutely ABSURD, not evidence-based, and disrespectful accusations. I will return your request at my earliest convenience, likely this week or the next. Bully someone your own size.

On Thu, Nov 10, 2022 at 18:03 Joshua Adam Engel <engel@engelandmartin.com> wrote:

Thank you for the response.

As I indicated this is a very serious matter. I am aware that you previously had counsel; if you still have counsel please ask them to contact me. If you no longer have counsel, please let me know that as well.

We have good reason to believe that records have been deleted very recently. To identify one example, we have reason to believe that Instagram posts that would be responsive to the subpoena were very recently deleted. I am therefore requesting that you make a diligent search for any records in your custody and control, including emails and other electronic communications that may have been deleted but are retained in 'trash' folders.

If you do not intend to produce any additional documents we will raise this matter with the Court at the soonest possible date.

Josh

Joshua Adam Engel  
Engel & Martin, LLC  
[4660 Duke Drive, Suite 101](#)  
[Mason, OH 45040](#)  
513-445-9600  
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On Nov 10, 2022, at 5:08 PM [REDACTED] wrote:

Hello,

I read the subpoena thoroughly and I fully understand what you are requesting. I have provided all of the documents that I have on hand. Yes, I knowingly and purposely deleted most documentation over the summer, as I am working on moving on from this situation. I have absolutely no motive to destroy anything as a response to your request, and I do not appreciate this implication, as clearly I am just being asked to be a witness in this and this suit is largely independent of me. I was not aware until today that this documentation would need to be provided. It is unreasonable of you to ask me to contact various places (my phone company, Instagram, etc) to retrieve this information. Much of this information can be provided by the school or other sources, if you really need.

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[REDACTED]

[REDACTED]

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[REDACTED]



MD/MPH Candidate Class of 2025

School of Medicine, Case Western Reserve University

[REDACTED]

[REDACTED]



From: [REDACTED]    
Subject: Re: Subpoena + discovery  
Date: November 10, 2022 at 6:27 PM  
To: Joshua Adam Engel <engel@engelandmartin.com>

And in response to your question about council, I do not have a lawyer right now. I have diligently searched for what you requested, and have provided everything I have.

On Thu, Nov 10, 2022 at 18:12 [REDACTED] wrote:

I guess I could have expected this from the council of a rapist, but you are unbelievable. These are absolutely ABSURD, not evidence-based, and disrespectful accusations. I will return your request at my earliest convenience, likely this week or the next. Bully someone your own size.

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**ENGEL &  
MARTIN, LLC**

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████████████████████

[REDACTED]